

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LAWRENCE VINCENT NEMZEK,

Defendant-Appellant.

UNPUBLISHED
October 29, 1999

No. 213593
Mackinac Circuit Court
LC No. 98-002417 FC

Before: Griffin, P.J., and Sawyer and Smolenski, JJ.

MEMORANDUM.

Defendant pleaded guilty to one count of first-degree criminal sexual conduct, MCL 750.520b(1)(a); MSA 28.788(2)(1)(a), in exchange for the dismissal of thirteen additional counts of CSC I and the prosecutor's recommendation that defendant's minimum sentence fall within the expected sentencing guidelines range of eight to twenty years. The trial court sentenced defendant to twelve to twenty years' imprisonment. Defendant appeals as of right. We affirm.

Defendant's sole claim is that he is entitled to a remand to the trial court to develop a record establishing that the sentencing guidelines were misscored and that he was deprived the effective assistance of counsel. This Court's decision whether to order a remand is discretionary and we may look to the merits of the issues when deciding whether to remand. *People v Hernandez*, 443 Mich 1, 3; 503 NW2d 629 (1993). A remand for development of a record regarding the scoring of the guidelines would serve no meaningful purpose. *People v Mitchell*, 454 Mich 145, 178; 560 NW2d 600 (1997); *People v Raby*, 456 Mich 487, 499; 572 NW2d 644 (1998). Furthermore, defendant's claim that he was denied effective assistance of counsel because his attorney forced him to plead guilty is belied by the record. On a number of occasions, defendant was given the opportunity to contest the voluntariness of his decision to plead guilty, and he repeatedly stated that his plea was not coerced. Defense counsel negotiated a plea agreement that resulted in the dismissal of thirteen counts of CSC I and sought and obtained a minimum sentence shorter than that recommended by the presentence investigator. Given this record, we decline to order a remand to the trial court for further proceedings.

Affirmed.

/s/ Richard Allen Griffin

/s/ David H. Sawyer

/s/ Michael R. Smolenski